

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00125-JEB**

NISKANEN CENTER v. FEDERAL ENERGY
REGULATORY COMMISSION

Assigned to: Judge James E. Boasberg

Case in other court: USCA for DC, 18-01224

Cause: 05:552 Freedom of Information Act

Date Filed: 01/18/2019

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

NISKANEN CENTER

represented by **Megan C. Gibson**
NISKANEN CENTER
820 1st Street, NE
Washington, DC 20002
(202) 810-9260
Email: m.gibson.esquire@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL ENERGY REGULATORY
COMMISSION**

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/18/2019	<u>1</u>	COMPLAINT against FEDERAL ENERGY REGULATORY COMMISSION (Filing fee \$ 400, receipt number 4616096374) filed by NISKANEN CENTER. (Attachments: # <u>1</u> Civil Cover Sheet)(ztd) (Entered: 01/23/2019)
01/18/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NISKANEN CENTER (ztd) (Entered: 01/23/2019)
01/18/2019		SUMMONS (3) Issued as to FEDERAL ENERGY REGULATORY COMMISSION, U.S. Attorney and U.S. Attorney General (ztd) (Entered: 01/23/2019)
01/18/2019	<u>3</u>	NOTICE OF RELATED CASE by NISKANEN CENTER. Case related to Case No. 18-1224 in USCA for DC. (ztd) (Entered: 01/23/2019)
01/30/2019	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by NISKANEN CENTER. (Attachments: # <u>1</u> Summons Request DC AG, # <u>2</u> Summons Request US AG)(Gibson, Megan) (Entered: 01/30/2019)
01/31/2019	<u>5</u>	SUMMONS (3) Reissued Electronically as to FEDERAL ENERGY REGULATORY COMMISSION, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent) (tth) (Entered: 01/31/2019)
02/08/2019	<u>6</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 02/08/2019)
02/08/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL ENERGY REGULATORY COMMISSION served on 2/4/2019

		(Attachments: # <u>1</u> Proof of Service)(Gibson, Megan) (Entered: 02/08/2019)
02/08/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/04/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/4/2019. (Answer due for ALL FEDERAL DEFENDANTS by 3/6/2019.) (See Docket Entry <u>7</u> to view document) (jf) (Entered: 02/11/2019)
02/11/2019		NOTICE OF ERROR re <u>7</u> Summons Returned Executed as to Federal Defendant; emailed to m.gibson.esquire@gmail.com, cc'd 1 associated attorneys — The PDF file you docketed contained errors: 1. Document incomplete/illegible, 2. DO NOT REFILE – Counsel is reminded to docket/file all parts of their pleading (zjf,) (Entered: 02/11/2019)
03/06/2019	<u>9</u>	ANSWER to <u>1</u> Complaint by FEDERAL ENERGY REGULATORY COMMISSION.(Sroka, Scott) (Entered: 03/06/2019)
03/07/2019		MINUTE ORDER: The parties shall confer and submit a joint proposed briefing schedule by March 21, 2019. So ORDERED by Judge James E. Boasberg on 3/7/2019. (lcjeb1) (Entered: 03/07/2019)
03/07/2019		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 3/21/2019. (znbn) (Entered: 03/07/2019)
03/20/2019	<u>10</u>	PROPOSED BRIEFING SCHEDULE by FEDERAL ENERGY REGULATORY COMMISSION. (Sroka, Scott) (Entered: 03/20/2019)
03/20/2019		MINUTE ORDER ADOPTING <u>10</u> Proposed Briefing Schedule. The Court ORDERS that: 1) Defendants' Motion for Summary Judgment shall be due by May 20, 2019; 2) Plaintiff's Cross–Motion and Opposition shall be due by July 19, 2019; 3) Defendants' Reply and Opposition shall be due by August 19, 2019; and 4) Plaintiff's Reply, if any, shall be due by September 18, 2019. So ORDERED by Judge James E. Boasberg on 3/20/2019. (lcjeb1) (Entered: 03/20/2019)
03/20/2019		Set/Reset Deadlines: Summary Judgment motions due by 5/20/2019. Response to Motion for Summary Judgment due by 7/19/2019. Reply to Motion for Summary Judgment due by 8/19/2019. Responses due by 9/18/2019. (lsj) (Entered: 03/20/2019)
05/20/2019	<u>11</u>	MOTION for Summary Judgment <i>and Supporting Memorandum</i> by FEDERAL ENERGY REGULATORY COMMISSION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Leonard M. Tao, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D)(Sroka, Scott) (Entered: 05/20/2019)
07/19/2019	<u>12</u>	MOTION for Summary Judgment by NISKANEN CENTER (Attachments: # <u>1</u> Exhibit M. Gibson Declaration, # <u>2</u> Exhibit P. White Declaration, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(Gibson, Megan) (Entered: 07/19/2019)
07/19/2019	<u>13</u>	RESPONSE re <u>11</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> filed by NISKANEN CENTER. (Attachments: # <u>1</u> Exhibit M. Gibson Declaration, # <u>2</u> Exhibit P. White Declaration, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(Gibson, Megan) (Entered: 07/19/2019)
08/16/2019	<u>14</u>	MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> by FEDERAL ENERGY REGULATORY COMMISSION (Sroka, Scott) (Entered: 08/16/2019)
08/16/2019		MINUTE ORDER: The Court ORDERS that Defendant shall file a Notice by August 20, 2019, setting forth Plaintiff's position on the pending <u>14</u> Motion. So ORDERED by Judge James E. Boasberg on 8/16/2019. (lcjeb3) (Entered: 08/16/2019)
08/16/2019		Set/Reset Deadlines: Defendant shall file a Notice by 8/20/2019. (znbn) (Entered: 08/20/2019)
08/20/2019	<u>15</u>	NOTICE <i>in Response to Court Order</i> by FEDERAL ENERGY REGULATORY COMMISSION re Order (Sroka, Scott) (Entered: 08/20/2019)
08/20/2019		MINUTE ORDER GRANTING Defendant's <u>14</u> Motion for Extension of Time. Defendant shall file its Reply on or before 8/30/2019. So ORDERED by Judge James

		E. Boasberg on 08/20/2019. (lcjeb2) (Entered: 08/20/2019)
08/20/2019		Set/Reset Deadlines: Replies due by 8/30/2019. (znbn) (Entered: 08/20/2019)
08/22/2019	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply by NISKANEN CENTER (Gibson, Megan) (Entered: 08/22/2019)
08/22/2019		MINUTE ORDER GRANTING Consent <u>16</u> Motion for Extension of Time. The Court ORDERS that Plaintiff shall file its Reply by 10/2/2019. So ORDERED by Judge James E. Boasberg on 08/22/2019. (lcjeb2) (Entered: 08/22/2019)
08/22/2019		Set/Reset Deadlines: Replies due by 10/2/2019. (znbn) (Entered: 08/22/2019)
08/30/2019	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> by FEDERAL ENERGY REGULATORY COMMISSION (Sroka, Scott) (Entered: 08/30/2019)
08/30/2019		MINUTE ORDER GRANTING Consent <u>17</u> Motion for Extension of Time. The Court ORDERS that Defendant shall file its Reply by September 6, 2019, and Plaintiff shall file its Reply by October 7, 2019. So ORDERED by Judge James E. Boasberg on 08/30/2019. (lcjeb1) (Entered: 08/30/2019)
08/30/2019		Set/Reset Deadlines: Defendant Reply due by 9/6/2019. Plaintiff Reply due by 10/7/2019. (znbn) (Entered: 08/30/2019)
09/06/2019	<u>18</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> filed by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit A)(Sroka, Scott) (Entered: 09/06/2019)
09/06/2019	<u>19</u>	Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment filed by FEDERAL ENERGY REGULATORY COMMISSION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit A)(Sroka, Scott) (Entered: 09/06/2019)
10/02/2019	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply by NISKANEN CENTER (Gibson, Megan) (Entered: 10/02/2019)
10/02/2019		MINUTE ORDER GRANTING Consent <u>20</u> Motion for Extension of Time. The Court ORDERS that Plaintiff shall file its Reply by October 14, 2019. So ORDERED by Judge James E. Boasberg on 10/2/2019. (lcjeb1) (Entered: 10/02/2019)
10/02/2019		Set/Reset Deadlines: Replies due by 10/14/2019. (nbn) (Entered: 10/03/2019)
10/14/2019	<u>21</u>	REPLY to re <u>19</u> Memorandum in Opposition, <u>18</u> Reply to opposition to Motion filed by NISKANEN CENTER. (Attachments: # <u>1</u> Exhibit FERC OVERSIGHT FOIA RESPONSE)(Gibson, Megan); Modified event and text on 10/15/2019 (zthh). (Entered: 10/14/2019)
11/19/2019		MINUTE ORDER: The Court ORDERS that the parties shall appear on December 3, 2019, at 11:00 a.m. for a hearing on the Cross-Motions for Summary Judgment. The Court is particularly interested in whether redactions here could achieve a compromise that satisfies both sides; for example, would a list containing initials or partial addresses suffice? Both sides should be prepared to address this issue. So ORDERED by Judge James E. Boasberg on 11/19/2019. (lcjeb1) (Entered: 11/19/2019)
11/19/2019		Set/Reset Hearings: Motion Hearing set for 12/3/2019 at 11:00 AM in Courtroom 25A before Judge James E. Boasberg. (nbn) (Entered: 11/19/2019)
12/03/2019		MINUTE ORDER: As discussed in today's hearing, the Court ORDERS that the parties shall submit a joint status report by December 17, 2019, indicating any agreement on redacted disclosure of the property-owner lists. So ORDERED by Judge James E. Boasberg on 12/3/2019. (lcjeb1) (Entered: 12/03/2019)
12/03/2019		Minute Entry for proceedings held before Judge James E. Boasberg: Motion Hearing held on 12/3/2019 on the Cross-Motions for Summary Judgment. Oral arguments heard. (Court Reporter Lisa Griffith) (nbn) (Entered: 12/03/2019)
12/03/2019		Set/Reset Deadlines: Joint Status Report due by 12/17/2019. (nbn) (Entered: 12/03/2019)